

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17842 of 2011

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Raj Nath Choudhary, Son Of Late Ram Yatan Choudhary, Resident Of
Mohalla Mirchai Bari, Police Station Katihar, District Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Collector, Katihar
3. The Deputy Collector Land Reform, Katihar
4. The Circle Officer, Katihar
5. Sewa Ram Hirwani, Son Of Late Ballav Das, Resident Of Mohalla
Misrchai Bari, Police Station and District Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Adv.

For the Respondent nos.1to4 : Mr. Wasi Ahmed Khan, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 20-08-2016 The petitioner is aggrieved by the order dated 30.06.2011 passed in Mutation Revision Case No.809 of 2001-02 by the respondent Additional Collector, Katihar, as contained in Annexure-4 to the writ petition, whereby the aforesaid mutation revision case filed on behalf of the respondent no.5 has been allowed and the order passed by the appellate authority, as contained in Annexure-3, has been set aside.

At the very outset, the learned AC to SC-25, appearing on behalf of the respondent nos.1 to 4, has raised the question of maintainability of the present writ petition at this stage on the ground of availability of alternative remedy to the petitioner before the learned Bihar Land Tribunal, Patna. According to him, the writ petition is liable to be dismissed on that ground alone.

The submission made by the learned State counsel appears to be correct.

Against the impugned order dated 30.06.2011 passed

in Mutation Revision Case No.809 of 2001-02 by the respondent Additional Collector, Katihar, as contained in Annexure-4, indisputably, the petitioner has an alternative and efficacious remedy before the learned Bihar Land Tribunal, Patna in view of the provisions contained in Section 9 of The Bihar Land Tribunal Act, 2009.

In above view of the matter, the present writ petition is dismissed, but a liberty is granted to the petitioner to approach the learned Bihar Land Tribunal, Patna for grant of appropriate relief(s) with respect to the lands claimed by him as also the order impugned.

(Birendra Prasad Verma, J)

Arvind/-

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